

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL WATTS, #68598,

Plaintiff,

v.

**SOUTHERN HEALTH PARTNERS
AND DR. MONGARE,**

Defendants.

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Civil Action No. **3:15-CV-1721-L**

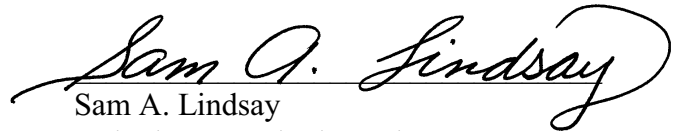
ORDER

This case was referred to Magistrate Judge Renée Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on October 8, 2015, recommending that this action be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for failure to state a claim upon which relief can be granted. The magistrate judgment further recommended that Plaintiff not be allowed to amend his pleadings, and that this dismissal should count as a “strike” or “prior occasion” under 18 U.S.C. § 1915(g). No objections to the Report were received as of the date of this order, and, according to the docket, the Report that was mailed to the address provided by Plaintiff on October 21, 2015, was returned as undeliverable.

After considering the pleadings, file, the record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915(b), for failure to state a claim upon which relief can be granted. This dismissal shall count as a “strike” or “prior occasion” under 28 U.S.C. § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 24th day of November, 2015.


Sam A. Lindsay
United States District Judge